

## **TABLE OF CONTENTS**

<b>I. REAL PARTY IN INTEREST .....</b>	<b>1</b>
<b>II. RELATED APPEALS AND INTERFERENCES .....</b>	<b>1</b>
<b>III. STATUS OF CLAIMS .....</b>	<b>2</b>
<b>IV. STATUS OF AMENDMENTS .....</b>	<b>2</b>
<b>V. SUMMARY OF CLAIMED SUBJECT MATTER .....</b>	<b>2</b>
<b>VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL .....</b>	<b>4</b>
<b>VII. ARGUMENT .....</b>	<b>5</b>
<b>VIII. CLAIMS APPENDIX.....</b>	<b>16</b>
<b>IX. EVIDENCE APPENDIX.....</b>	<b>21</b>
<b>X. RELATED PROCEEDINGS APPENDIX.....</b>	<b>22</b>

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 46320
	:	
Mark PETERS	:	Confirmation Number: 6950
	:	
Application No.: 10/758,853	:	Group Art Unit: 3692
	:	
Filed: January 16, 2004	:	Examiner: B. Fields
	:	
For: SERVER WALLET PROVIDER PORTAL	:	

**APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed April 22, 2008 and in response to the Examiner reopening prosecution in the Office Action dated July 14, 2008, wherein Appellant appeals from the Examiner's rejection of claims 1-7, 9-13, and 15-18.

**I. REAL PARTY IN INTEREST**

This application is assigned to IBM Corporation by assignment recorded on January 16, 2004, at Reel 014905, Frame 0225.

**II. RELATED APPEALS AND INTERFERENCES**

An Appeal has been filed in related U.S. Patent Application No. 10/675,503 (hereinafter the '503 application).

### **III. STATUS OF CLAIMS**

Claims 1-7, 9-13, and 15-18 are pending and three-times rejected in this Application. Claims 8 and 14 have been cancelled. It is from the multiple rejections of claims 1-7, 9-13, and 15-18 that this Appeal is taken.

### **IV. STATUS OF AMENDMENTS**

The claims have not been amended subsequent to the imposition of the Third Office Action dated July 14, 2008 (hereinafter the Third Office Action).

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Referring to Figure 4 and also to independent claim 1, a mobile server wallet provider (MSWP) portal 400 is disclosed. The MSWP portal 400 is configured to communicatively couple both to a plurality of MSWPs 430 and also a content proxy 440 (lines 1-3 of paragraph [0028]; lines 1-2 of paragraph [0029]). The MSWP portal 400 includes a composite profile generator configured to combine a plurality of MSWP profiles 480 into a single, composite profile 460 for routing payment messages 490 in the proxy 440 to the MSWP portal 400 (lines 5-9 of paragraph [0029]). The MSWP portal 400 includes selection logic configured to process a user selection of one of the MSWPs 430 to process a payment transaction received through the proxy 440 (lines 3-5 of paragraph [0030]).

Referring to Figure 4 and also to independent claim 4, a payment transaction system is disclosed. The payment transaction system includes a plurality of mobile server wallet providers (MSWPs) 430, at least one content proxy 440, and at least one MSWP portal 400. The plurality of mobile server wallet providers (MSWPs) 430 are coupled to respective on-line financial

institutions 420 (lines 1-3 of paragraph [0029]). The at least one content proxy 440 is configured to couple both to on-line merchants 450 and to end user customers 410 of the on-line merchants 450 (lines 2-4 of paragraph [0028]). The at least one MSWP portal 400 is disposed between the MSWPs 430 and the at least one content proxy 440 (lines 1-3 of paragraph [0028]; lines 1-2 of paragraph [0029]).

Referring to Figure 5 and also to independent claim 7, a method for processing a payment transaction in a mobile commerce system is disclosed. In block 540, a payment message is processed in a portal to identify one of a selection of mobile server wallet providers (MSWPs) to handle an associated payment transaction (lines 3-8 of paragraph [0032]). In block 550, the payment message is routed to an identified one of the MSWPs (lines 1-2 of paragraph [0033]). In block 505, individual MSWP profiles are combined for each of the MSWPs into a composite profile, and the composite profile is provided to a content proxy for use in trapping payment messages passing through the content proxy between an on-line merchant and a customer in the mobile commerce system (lines 3-8 of paragraph [0031]).

Referring to Figure 5 and also to independent claim 13, a machine readable storage having stored thereon a computer program for processing a payment transaction in a mobile commerce system is disclosed. The computer program comprises a routine set of instructions which when executed by the machine cause the machine to perform the following steps. In block 540, a payment message is processed in a portal to identify one of a selection of mobile server wallet providers (MSWPs) to handle an associated payment transaction (lines 3-8 of paragraph [0032]). In block 550, the payment message is routed to an identified one of the MSWPs (lines 1-2 of paragraph [0033]). In block 505, individual MSWP profiles are combined for each of the MSWPs into a composite profile, and the composite profile is provided to a content proxy for

- 1 use in trapping payment messages passing through the content proxy between an on-line
- 2 merchant and a customer in the mobile commerce system (lines 3-8 of paragraph [0031]).

**VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 1-7, 9-13, and 15-18 were rejected under 35 U.S.C. § 103 for obviousness based upon Suzuki et al., U.S. Patent Publication No. 2002/0032616 (hereinafter Suzuki), in view of Schuba et al., U.S. Patent Publication No. 2002/0052842 (hereinafter Schuba).

**VII. ARGUMENT**

**THE REJECTION OF CLAIMS 1-7, 9-13, AND 15-18 UNDER 35 U.S.C. § 103 FOR  
OBVIOUSNESS BASED UPON SUZUKI IN VIEW OF SCHUBA**

For convenience of the Honorable Board in addressing the rejections, claims 2, 4-5, 7, 9-13, and 15-18 stand or fall together with independent claim 1 and claim 6 stands or falls together with claim 3.

As is evident from Appellant's previously-presented comments during prosecution of the present Application and from Appellant's comments below, there are questions as to how the limitations in the claims correspond to features in the applied prior art. In this regard, reference is made to M.P.E.P. § 1207.02, entitled "Contents of Examiner's Answer." Specifically, the following is stated:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

...

(9)(e) For each rejection under 35 U.S.C. 102 or 103 where there are questions as to how limitations in the claims correspond to features in the prior art even after the examiner complies with the requirements of paragraphs (c) and (d) of this section, the examiner must compare at least one of the rejected claims feature by feature with the prior art relied on in the rejection. The comparison must align the language of the claim side-by-side with a reference to the specific page, line number, drawing reference number, and quotation from the prior art, as appropriate. (emphasis added)

Therefore, if the Examiner is to maintain the present rejections and intends to file an Examiner's Answer, the Examiner is required to include the aforementioned section in the Examiner's Answer.

As noted in the First Appeal Brief dated April 8, 2008 (hereinafter the First Appeal Brief), the Examiner failed to specifically identify the teachings being relied upon in the

rejection as required under with 37 C.F.R. § 1.104(c).<sup>1</sup> Previously, the Examiner rejected the claims under 35 U.S.C. § 102 for anticipation based upon Suzuki, whereas in the current rejection the Examiner is relying upon Suzuki to teach most of the claim limitations and Schuba to teach "a wallet portal" (see page 3 of the Third Office Action). However, the Examiner's analysis in the Third Office Action still fails to clearly explain the pertinence of Suzuki.

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness."<sup>2</sup> The legal conclusion of obviousness is based on underlying findings of fact including the scope and content of the prior art, the differences between the prior art and the claims at issue, and the level of ordinary skill in the pertinent arts.<sup>3</sup> "Secondary considerations such as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented."<sup>4</sup> Therefore, to properly make a finding of obviousness, a comparison between the applied prior art and the claims at issue must be made to ascertain the differences between what is being claimed and the teachings of the applied prior art. Moreover, before making a proper comparison between the claimed invention and the prior art, the language of the claims must first be properly construed.<sup>5</sup>

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<sup>1</sup> 37 C.F.R. § 1.104(c) provides:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

<sup>2</sup> *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)).

<sup>3</sup> *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734 (2007).

<sup>4</sup> *Id.* (quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966)).

<sup>5</sup> See *In re Paulsen*, 30 F.3d 1475, 1479 (Fed. Cir. 1994); see also, *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1567-68 (Fed. Cir. 1987) (In making a patentability determination, analysis must begin with the question, "what is the invention claimed?" since "[c]laim interpretation, . . . will normally control the remainder of the

Claim 1

On pages 8 and 9 of the First Response dated November 15, 2007 (hereinafter the First Response), Appellant presented the following arguments. At the outset, Appellant notes that the Examiner's written analysis with regard to claim 1 has been little assistance to Appellant in understanding the basis for the Examiner's rejection. For example, the Examiner refers to "[server]" as identically disclosing the claimed content proxy. However, Figs. 3 and 4 of Suzuki describe four different servers. Appellant is not in a position to guess as to what "server" in Suzuki the Examiner is referring to identically disclose the claimed content proxy.

Appellant also notes that the Examiner's analysis relies on generalizations and ignores the specific language of the claims. Also, the Examiner's cited passages of Figures 3-4 and 6-7 as well as paragraphs [0020]-[0023] and [0030] of Suzuki describe what Appellant has already admitted is prior art (i.e., see Fig. 1 of Appellant's specification).

As claimed, the MSWP portal is connected to a plurality of MSWPs and a content proxy. Figs. 3-4 and 6-7 of Suzuki do not teach a plurality of MSWPs. Instead, these figures only refer to a single wallet server. Moreover, these figures within Suzuki are also silent as to a MSWP portal between the plurality of MSWPs and a content proxy. Instead, these figures show a relay server (presumably allegedly corresponding to the claimed content proxy).

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decisional process"); see Gechter v. Davidson, 116 F.3d 1454, 1460 (Fed. Cir. 1997) (requiring explicit claim construction as to any terms in dispute).



The only discussion, within the Examiner's cited passages, of multiple wallet servers is found in paragraph [0030], which is reproduced below:

Also, a preferable mode is one wherein the payment system is provided with a plurality of the wallet servers, and the information out of which the predetermined item is to be selected by the contents converting section is information used by the user to select the wallet server for the payment out of the plurality of the wallet servers.

Completely absent from this passage, however, is a detailed discussion of how the multiple wallet servers are integrated into the system. On the contrary, claim 1 recites that "a composite profile generator configured to combine a plurality of MSWP profiles into a single, composite profile for routing payment messages in said proxy to the MSWP profile." Absent from the Examiner's cited passages is either a profile for each of the MSWPs or a single, composite profile.

#### The Second Office Action

The Examiner's sole response to the above-reproduced arguments is found on page 8 of the Second Office Action in which the Examiner asserted the following:

The Examiner respectfully disagrees. The Examiner has pointed to Figures 3-4 and 6-7 to show Suzuki's disclosure of a Wallet Server in figures. As the instant application is primarily directed towards wallet servers, the Examiner felt no need to specifically pin point a wallet server in the original office action. The Examiner's attention to such detail was remiss and has in effect been corrected. Conventional use of a non-mobile or mobile wallet server causes a composite profile to be created for quicker usability upon each successive iteration. (emphasis in original)

The Examiner's response not only does not respond to all of the previously-presented arguments, the Examiner's response raises more questions than it answers.

Claim 1 recites that the MSWP portal is coupled to a plurality of MSWPs and a content proxy. Thus, these claimed features represent three separate entities. The Examiner is asserting that the "Wallet Server" illustrated in Figures 3-4 and 6-7 identically discloses the claimed

content proxy. The questions this assertion raises regards what features within Suzuki the Examiner is now alleging corresponding to the claimed MSWP portal and the plurality of MSWPs. Upon reviewing the Examiner's cited passages, Appellant is unclear as to what features the Examiner is asserting identically discloses the claimed MSWP portal and the plurality of MSWPs.

Also, as already noted above, the Examiner only addressed, within the Second Office Action, one of the arguments previously presented in the First Response.

#### The Third Office Action

As alluded to above, the Examiner is now asserting that Suzuki teaches all of the claimed limitations with the exception of "wallet portal." This assertion, by the Examiner, raises several issues. The first issue is that the term "wallet portal" is not found anywhere within the claims. As such, Appellant is not entirely clear as to what limitation the Examiner is alleging not taught by Suzuki and what limitation the Examiner is relying upon Schuba to teach. The other issues revolve upon the issues initially raised by Appellant in the First Response. As discussed in the First Appeal Brief, the Examiner's response in the Second Office Action only addressed one of these arguments. In the Third Office Action, the Examiner has again failed to address these previously presented arguments.

Returning to the first issue, the only portal found within claim 1 is the subject of claim 1 itself (i.e., "[a] mobile server wallet provider (MSWP) portal comprising ..."). Thus, assuming that the Examiner intended to assert that Suzuki does not identically disclose the MSWP portal,"

the Examiner's assertion is analogous to having a claim directed to "a bicycle, comprising two wheels, a seat ...) with the Examiner asserting that the primary reference does not teach a bicycle. As such, the Examiner has not clearly indicated that alleged scope and content of the applied prior art.

Turning to the newly presented secondary reference of Schuba, the Examiner asserted the following in the paragraph spanning pages 3 and 4 of the Third Office Action:

Schuba, in a similar environment, teaches a wallet portal where a mobile server wallet transaction takes place. The Examiner notes that Schuba discusses the usage of a wallet server, which comprises an entity that operates between a merchant and a customer. This 'single entity' is located within the transaction between the merchant and a consumer and is used by both. The consumer communicates with the wallet, and the wallet, in turn, communicates with the merchant through the merchant's website. In effect, it would be obvious to conclude that this entity is thus likened to serve as a 'portal' in order to achieve successful system interoperability as disclosed; henceforth, a portal is taught in Schuba. Additionally, there are number of servers within the system of Schuba (//Unarguably, the server which corresponds more effectively to the operation of a proxy, teaches the proxy server of the instant application//). Furthermore, it is old and well known in the art that upon use of a mobile wallet, a composite profile is created for a user/subscriber in order to allow for quicker usability during each successive/subsequent use, thereby reducing the continuous data/bandwidth input into the system caused via each transaction.

Notable in its absence is the failure, by the Examiner, to specifically point to any of the teachings in Schuba. The Examiner has neither referred to paragraph number, page and line number, reference number, nor figure.

Turning to the Examiner's specific allegation, the Examiner is asserting that Schuba discloses a wallet server that operates between a merchant and customer and concludes, on this basis, that Schuba discloses a "portal." However, referring to Fig. 3, Suzuki also discloses a wallet server that operates between a merchant (i.e., shop server) and a customer (i.e., user terminal). As such, if the Examiner is relying upon Schuba to teach a "portal," Appellant is unclear as to why Suzuki was not relied upon to teach the "portal." As such, the Examiner

appears to be using inconsistent logic when asserting that Suzuki does not teach a portal whereas Schuba does.

The Examiner's analysis regarding the alleged benefit for making the proposed modification is found in the first full paragraph on page 4 of the Third Office Action and reproduced below:

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the teachings of Suzuki for a relay server, relaying method and payment system with the features of Schuba for an electronic wallet server payment transaction for the purpose of creating a greater more robust and efficient system that also allows for ease of user interaction and protection/safety for user when making payments and/or transactions while using the system (Schuba: Page 1, Paragraph 0002-Page 2, Paragraph 0018).

Notwithstanding that the Examiner is alleging to modify Suzuki to include limitations that is already disclosed by Suzuki (based upon the logic the Examiner employed to assert that Schuba teaches the limitations), one having ordinary skill in the art would recognize that these benefits would already be obtained by the practice of Suzuki alone.<sup>6</sup>

In conclusion with regard to claim 1, despite the Examiner reopening prosecution to include the secondary reference of Schuba within the rejection, the Examiner has not pointed to any teachings that are different than the teachings the Examiner already relied upon when previously rejecting claim 1 under 35 U.S.C. § 102 for anticipation based upon Suzuki. Moreover, the Examiner has not addressed the arguments previously presented by Appellant, which still apply to the present rejection and have been outstanding since Appellant's response to the First Office Action.

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<sup>6</sup> See the non-precedential opinion of *Ex parte Rinkevich*, Appeal 2007-1317 ("we conclude that a person of ordinary skill in the art *having common sense* at the time of the invention would not have reasonably looked to Wu to solve a problem already solved by Savill") (emphasis in original).

Claims 3 and 6

On pages 9 and 10 of the First Response, Appellant presented the following arguments. Each of claims 3 and 6 are directed to the concept of a filter plug-in configured to route payment messages to the portal when the payment messages match rules specified within the composite profile. With regard to these limitations, the Examiner cited paragraphs [0028]-[0029] and [0033]-[0038] of Suzuki and stated "[a]fter authentication takes place within the network, payment receipt messages are routed back and forth through the system." Completely absent from these passages, however, is a teaching as to a filter plug-in or "rules specified within the composite profile." Thus, the Examiner has failed to establish that Suzuki identically discloses the claimed invention, as recited in claims 3 and 6, within the meaning of 35 U.S.C. § 102.

Examiner's Response

The Examiner's sole response to the above-reproduced arguments is found in the paragraph spanning pages 9 and 10 of the Second Office Action in which the Examiner asserted the following:

The Examiner respectfully disagrees. It is commonly known to a person of ordinary skill in the art that a filter is involved in an initiation of an electronic payment transaction, a communication terminal of a customer, or a transaction server. A filter serves as a primary part of the communication system; the communication system allows a communication between the server of the merchant, the communication terminal and the transaction server. The filter, has, among others, the task of forwarding certain messages concerning the electronic payment transaction to assigned receivers. Filters can be a part of a communication system, such as a GSM, GPRS, PPDC, WCDMA, UMTS, Bluetooth type networks, etc. by way of example. In addition, the filter allows among others, that certain messages be redirected to the transaction server for the communication terminal.

Appellant is unclear as to whether or not the Examiner is making an obviousness rejection or yet another factually unsupported inherency argument. In either instance, the Examiner has failed to set forth any substantial evidence needed for establishing either obviousness or inherency.

Third Office Action

On page 5 of the Third Office Action, the Examiner presented the following additional assertions:

The Examiner takes Official Notice to the fact that it is quite common and well known to one of ordinary skill in the art that a filter be involved in an initiation of an electronic payment transaction, a communication terminal of a customer, or a transaction server. A filter serves as a primary part of the communication system; the communication system allows a communication between the server of the merchant, the communication terminal and the transaction server. The filter has, among others, the task of forwarding certain messages concerning the electronic payment transaction to assigned receivers. Filters can be a part of a communication system, such as a GSM, GPRS, PPDC, WCDMA, UMTS, and Bluetooth type networks by way of example. In addition, a filter allows for, among other things, the ability for certain messages to be redirected to the transaction server for the communication terminal.

Despite the Examiner's taking Official Notice, the Examiner has not only failed to produce any substantial evidence to support the Examiner's allegations, even assuming *arguendo* that the Examiner is, in fact, correct, the Examiner has not even alleged that that the prior art teaches all of the claimed limitations.

The limitation at issue is "said WSP further comprises a filter plug-in configured to route said payment messages to the portal when said payment messages match rules specified within said composite profile." The Examiner, however, has only argued that a filter can be used in an electronic payment transaction. Assuming *arguendo* that this is true, such an allegation does not lead to the legal conclusion that all of the limitations recited in claim 3 would have been obvious to one having ordinary skill in the art. Instead, all the Examiner would have established that a filter is used but not how the filter is used and where the filter is disposed.

1  
2           Also, the burden still rests with the Examiner to establish factual evidence of the  
3   \obviousness of modifying the applied prior art to include these teachings. Simply asserting that  
4   the limitations are "quite common and well known" does not establish the obviousness of the  
5   limitations.

6  
7           Conclusion

8           Based upon the foregoing, Appellant respectfully submits that the Examiner's rejection  
9   under 35 U.S.C. § 103 based upon the applied prior art is not viable. Appellant, therefore,  
10   respectfully solicits the Honorable Board to reverse the Examiner's rejection under 35 U.S.C. § 103.

Application No.: 10/758,853

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: September 17, 2008

Respectfully submitted,

/Scott D. Paul/

Scott D. Paul

Registration No. 42,984

Steven M. Greenberg

Registration No. 44,725

Phone: (561) 922-3845

CUSTOMER NUMBER 46320



### **VIII. CLAIMS APPENDIX**

1. A mobile server wallet provider (MSWP) portal comprising:

a configuration for communicative coupling both to a plurality of MSWPs and also a content proxy;

a composite profile generator configured to combine a plurality of MSWP profiles into a single, composite profile for routing payment messages in said proxy to the MSWP portal; and,

selection logic configured to process a user selection of one of said MSWPs to process a payment transaction received through said proxy.

2. The portal of claim 1, wherein said content proxy is a wireless service proxy (WSP).

3. The portal of claim 2, wherein said WSP further comprises a filter plug-in configured to route said payment messages to the portal when said payment messages match rules specified within said composite profile.

4. A payment transaction system comprising:

a plurality of mobile server wallet providers (MSWPs) coupled to respective on-line financial institutions;

at least one content proxy configured for coupling both to on-line merchants and to end user customers of said on-line merchants; and,

at least one MSWP portal disposed between said MSWPs and said at least one content proxy.

5. The system of claim 4, wherein said content proxy comprises a wireless service proxy (WSP).

6. The system of claim 4, wherein said content proxy further comprises a filter plug-in configured to route payment messages to said MSWP portal when said payment messages match rules specified within a profile provided to said filter plug-in by said MSWP portal.

7. A method for processing a payment transaction in a mobile commerce system, the method comprising the steps of:

processing a payment message in a portal to identify one of a selection of mobile server wallet providers (MSWPs) to handle an associated payment transaction;

routing said payment message to said payment message to an identified one of said MSWPs;

combining individual MSWP profiles for each of said MSWPs into a composite profile; and,

providing said composite profile to a content proxy for use in trapping payment messages passing through said content proxy between an on-line merchant and a customer in the mobile commerce system.

9. The method of claim 7, wherein said processing step comprises the steps of:

identifying a customer associated with said payment message;

parsing a profile associated with said customer to determine a selection a preferred MSWPs;

rendering a user interface presenting said selection of preferred MSWPs to said customer;  
and,

selecting a particular one of said preferred MSWPs to handle said associated payment transaction based upon data provided by said customer in said user interface.

10. The method of claim 9, further comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWPs to said customer.

11. The method of claim 9, further comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWPs to a merchant associated with said payment transaction.

12. The method of claim 11, wherein said relaying step comprises the step of relaying a payment guarantee to said merchant by said selected one of said preferred MSWPs.

13. A machine readable storage having stored thereon a computer program for processing a payment transaction in a mobile commerce system, the computer program comprising a routine set of instructions which when executed by the machine cause the machine to perform the steps of:

processing a payment message in a portal to identify one of a selection of mobile server wallet providers (MSWPs) to handle an associated payment transaction;

routing said payment message to said payment message to an identified one of said MSWPs;

combining individual MSWP profiles for each of said MSWPs into a composite profile;  
and,

providing said composite profile to a content proxy for use in trapping payment messages passing through said content proxy between an on-line merchant and a customer in the mobile commerce system.

15. The machine readable storage of claim 13, wherein said processing step comprises the steps of:

identifying a customer associated with said payment message;

parsing a profile associated with said customer to determine a selection a preferred MSWPs;

rendering a user interface presenting said selection of preferred MSWPs to said customer;  
and,

selecting a particular one of said preferred MSWPs to handle said associated payment transaction based upon data provided by said customer in said user interface.

16. The machine readable storage of claim 15, further comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWPs to said customer.

17. The machine readable storage of claim 15, further comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWPs to a merchant associated with said payment transaction.

18. The machine readable storage of claim 17, wherein said relaying step comprises the step of relaying a payment guarantee to said merchant by said selected one of said preferred MSWPs.

**IX. EVIDENCE APPENDIX**

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

**X. RELATED PROCEEDINGS APPENDIX**

Although an Appeal has been filed in related U.S. Patent Application No. 10/675,503, Appellant is unaware of decision rendered by the Board in that matter.